



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

August 4, 2009

Wendie J. Doyle

REDACTED

**Re: Advisory Letter  
FPPC Case No. 06/274; Wendie J. Doyle**

Dear Ms. Doyle:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")<sup>1</sup>. As you may be aware, the Commission received a complaint against you alleging a violation of the conflict of interest provisions of the Act. Specifically, the complaint alleges that you attempted to influence a governmental decision that had a reasonably foreseeable material financial effect on your economic interest while you were serving as Chief Counsel of EDFUND, an auxiliary organization of the California Student Aid Commission ("CSAC"). The Commission has decided to close this case with this advisory letter.

Under the Act, no public official at any level of state or local government may make, participate in making, or in any way use or attempt to use her official position to influence a governmental decision in which she knows or has reason to know she has a disqualifying conflict of interest. (Section 87100.) To determine whether an individual has a disqualifying conflict of interest, the Commission generally employs the following sequenced analysis: (1) is the individual a public official; (2) did the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) what are the official's economic interests; (4) are the official's economic interests directly or indirectly involved in the governmental decision; (5) what is the applicable materiality standard for each economic interest involved; and (6) is it reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest.<sup>2</sup> (See Regulation 18700.)

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> The additional two steps of the analysis - whether the public generally exception applies and whether the individual is legally required to participate in the governmental decision - are inapplicable to this matter.

As a Chief Counsel for EDFUND, you were a public official under the Act. (Sections 82019 and 82048.) During the time you were Chief Counsel, the CSAC was negotiating a contract with Medinvest LLC through their trustee, Wachovia Bank. According to the documents included in the complaint, you sent emails and had discussions with contract negotiators for both CSAC and Wachovia Bank, and thus attempted to influence a governmental decision. Additionally, according to your leaving office statement filed August 5, 2005, you held stock in Wachovia with a value in the range of \$10,000 - \$100,000. Therefore, analysis of the allegation in the complaint turns on whether it is reasonably foreseeable that the financial effect on Wachovia Bank is substantial enough to meet the materiality standards of Regulation 18705.1, subdivision (c).<sup>3</sup>

We have found insufficient evidence to establish that a reasonably foreseeable material financial effect on Wachovia Bank would result in this instance. As a result, we are closing this case with this advisory letter.

Even though we are closing our file on this matter, please be advised of the conflict of interest provisions of the Act (Sections 87100 and following.) in future decisions that you may make as a public official. The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov). If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

/ Galena West  
Senior Commission Counsel  
Enforcement Division

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<sup>3</sup> Regulation 18705.1, subdivision (c), provides the materiality standards for indirectly involved business entities. Since Wachovia Bank is listed on the New York Stock Exchange, the governmental decision would need to result in at least a \$500,000 impact on gross revenues, or the company would need to incur or avoid expenses of \$200,000 or more, or the value of assets or liabilities must increase or decrease by \$500,000 or more.